

The Indian Legal Education System- Time For A Radical Transformation

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Abstract

In this research paper researcher wanted to introduce the legal education with radical transformation. Indian legal system is an important organ of our democracy. As a part of democracy the complete legal system and legal education plays a vital role by all means. All the decisions related to education are not concentrating in one single point but it was governed by various bodies. So the smooth functioning of the available education system cannot be possible. Researcher will explain the importance of legal education, governing bodies of Legal Education, curriculum of legal education. Also researcher will include the comparison of other countries legal education with Indian education. Indian legal education system is facing challenges in the development of legal education. Also the importance of practical training along with the study of different laws plays a pivotal role. To provide the professional legal education to the students will marching toward the development of society. With the advanced education the law professionals can bring reform in the legal system and that can be beneficial for the professionals and students to become a law abiding citizens. And lastly conclusion will be provided along with some necessary suggestions.

Keywords

BCI, Legal Education, Constitution of India, Curriculum, USA

Introduction

The legal education is the value education relating to human behavior and also professional education. Whereas the Universities are and have more concerned in Legal Education are value education. The professional part of legal education is required to standardize by the Bar Council of India in constitution with Universities and State Bar Councils to attain higher level of professional skills and specialized knowledge. It is required that the Bar Council of India to take advantage for forcefully enforcing the new rules for Legal Education for upgrading the standard of professional legal education in the country. Globalization is one of the methods which impact in a positive way because by this we will connect with the other legal system then certainly we will arrive to the progressive ways of the more developed countries in the area of legal world. The legal education is introduced in India by British government by the charter of 1726.

The Indian legal system is a complex framework that governs the country's vast and diverse population. Rooted in a rich historical background, it blends various influences, including ancient Indian laws, colonial legacy, and contemporary legal principles. The system is primarily based on the Constitution of India, which serves as the supreme law and ensures fundamental rights and justice for all citizens. However, despite its foundational strengths, the Indian legal system faces significant challenges, such as delays in the judicial process, accessibility issues, and the need for modernization to keep pace with societal changes. As India continues to evolve, there is a pressing need for reforms that address these challenges, promote efficiency, and enhance the overall effectiveness of the legal framework. As a important part of legal education for the society to serves through law students general as well as cultural education to be a law abiding citizens. In this research paper researcher

will discover prospective approach toward legal education and its exclusive impact on society. It will definitely serve good legal services to the society in India.

Constitutional provisions for the legal education

Indian constitution is under obligation to regulate the legal education in Bar Council of India and University grant Commission. Under the constitution Entries 66 of list 1 and Entry 25 of list 3 dealing with the legal education in India. The parliament and state governments has been empowered to administer and enact laws related to legal education. The Bar council of India and University Grant Commission are keeping check on legal education and its smooth functioning. Each state has to follow the central administration rules and regulations provided by the authorities.

Under the constitution various sections has authority to deal with the legal education like judiciary, bar council of India and university Grant Commission.

Role of Judiciary

The supreme court of India has been pronounced the judgment related to right to education as well as right to legal education as a fundamental right. It shows that the judiciary has the power to deal with the cases related to infringement of fundamental right of education.

Legal education in india- challenges

Indian legal education system is introduced in long back by the British government but the till 1961 the old Advocates Act use to govern the advocates and related provisions for advocates. Like rules related to legal education, eligibility criteria, enrollment, code of conduct, punishment for misconduct and the other related provisions. In India rules related to the education were specify by the UGC and BCI will govern the rules provided the complete system is divided into different authorities which can't be make a proper curriculum for the legal education and so the students get suffer for each and every provision related to the legal education. Understanding the need of change in administration and the smooth functioning of complete legal Education system facing so many challenges are as follow.

Curriculum and Teaching needs to be globalized

In India there are number of law school and colleges providing very easy and legal education which can be accessible to every student be it rich or poor. With the globalization of education such college will have to include in their curriculum the foreign laws and legal system which can bring ocean of international legal knowledge to the students doorstep. There must be fair mix up of legal system and that of other nations in the law syllabus. The curriculum is heart of the educational system it is more dependent upon the facilities providing to the students within the campus. Also the practice session must be appearing in the curriculum only.

A) Faculty with global knowledge

Bringing the eminent faculty is the big challenge for Indian law schools. In the era of globalization the lawyers and scholars involved at the international level are to be appointed. For that incentives is must, so that such faculties can be attracted.

B) Programs at International level

The students must be availed of such courses which are recognized at the international level. Such degree courses are to be stated in Indian Law schools. For, IPR, Cyber Law were having developed in curriculum at global level.

C) Joint effort and interaction at global level

Indian law schools will have to work jointly with the international institution and organization in legal field for making the law courses and schools within the into an international law hub.

D) Infrastructure and resources

The law students and faculty there is need for infrastructure and resources in law school to be of global level. Law is a field which needs more of practice rather than just theories. Hence, with it there is need of practical training of students by arranging Seminars, Workshops, and Moot Courts at the global level. With that there is need of interactive methods of teaching and learning which can connect the students with different aspirants sitting in the other countries, which itself creating global platform for discussing the legal issues throughout the world. It is an important factor to have a separate and enough building as well as amenities for Law College as per BCI rules.

Opportunities in Legal Education

The academicians, judges, Lawyers and students can with the interact with each other throughout the world and hence, create collaboration with each other. The important material like Law Review and Law report will become within the reach of everyone. As it is expensive has also brought ample of opportunities for the aspirants to work. The Legal Processing Outsourcing (LPO) is one of such example. In this fast forward time the legal education also provided good exposure for that the strategy of providing education must be planned and practical study oriented project should be announced on the authorities of the system. Timely the opportunities make available for the students to avail more and more exposure in the field of legal education.

Importance of professional legal education

The most desirable and basic merit of opportunities of higher education is that, it provides opportunity for diverse learning throughout the world. Assessing the content, quality and reliability of higher education provided beyond national boundaries is the major concern and a prime demerit. Opportunities of higher education may be viewed from business standpoint. However it is for the people how they take it. The student's guidance is at most important rather than just providing education. The students throughout the University are required to be guided about the courses and education service provider so that they can good choice of selecting their education field and institution.

The importance of legal education is not only limited up to the production of good professional lawyers with practical and theoretical knowledge but also to be able to meet society's demands, moderating change, upholding moral values.¹ Now a day's various private universities emerged and forming the new era of education which is not limited to the classroom. The National Law schools have taken a big step and providing the opportunity to experience the professional education. There in providing opportunity for internship, practical training Moot courts and student conferences for the development of students.

Professional Educating And It's Unfavorable system

- a) The educational institution will work like the business entities and there by just for consumption of higher education.
- b) The cultural value and disciplines cannot be imparted by the foreign universities.
- c) Fake institutions and degree courses can take place in Indian education scenario which are not recognized by there are respective countries.
- d) There will be improvement in quality of education through collaboration and amalgamation of the universities globally.
- e) Ample opportunity for the students to opt the field of their own choice with newer and more developed courses.
- f) The business tycoons can enter the education field for just making money and running education business.

¹<https://ksandk.com/regulatory/legal-education-in-india-challenges-and-innovations/>

Legal education and its governing authorities in india

The legal education in India is regulated by multiple agencies including University Grants Commission (UGC), Bar Council of India (BCI), the Government and the respective University authorities. For numerous reasons the quality of legal education in the 2000's was not satisfactory. Several attempts were made to reform curriculum and stricter controls were imposed by the Bar Councils of India at various time but no substantial results were achieved in legal education. To come out the problem the Bar Council of India had decided to establish a model law school in the private sector or joint sector to bring reform in the legal education. As a result, the National Law School of Indian University was established in Bangalore in 1986. However at present, the number of national law schools has been established in all over the India. At various times, curriculum of legal education was changed by the Bar Council of India. But these were not sufficient to meet the new challenges of globalization in the 21st century. The national knowledge Commission (NKC) was, however, established by the Prime Minister of India in 2005 to recommend and undertake reforms in order to make India Knowledge based economy and society.

The National Knowledge Commission, while deliberating on issues related to knowledge concepts recognizes legal education as an important constituent of professional education, identified the problems and challenges relating to curriculum and recommended changes and reforms relating to curriculum. Along with the theory subjects practical training must be the part of continue legal education can made remarkable change and effectiveness in Indian legal education. Bar Council of India (BCI) focusing on professional knowledge also use to provide amendments and new notifications for the law colleges. UGC maintain the standard of education, curriculum, appointments of teachers, infrastructural facilities, and other course related administration.

Need for radical transformation in legal education

The conventional role of a lawyer is to step in after the event takes place in order to resolve dispute and dispense justice to the aggrieved party. In the changed scenario, the additional role envisaged are that of policy planner, business advisor, negotiator among interest groups, experts in articulation and communication of ideas, mediator, law reformer etc. The legal profession in India has to cater to the needs of a new brand of legal client namely the foreign companies or collaborations. The law colleges are required to make strategic plans that set out a clear vision of justice delivery and also address the emerging realities of the market. Goal and also address the emerging realities of the market. Goal of the law schools should be to build a system of legal education that is able to meet the new challenges.

Conclusion

The legal education is having challenges in the system like obstacle in the professional development, getting less opportunity, poor quality of education in the comparison of other countries education. The Bar council of India looking to the maintenance of legal education and UGC is introducing curriculum and rules related to it. The Parliament and BCI are the authorities to deal with the issues related to legal education. The radical change will be always welcomed for the better education and so the good lawyers can be a part of the society. In a society legal awareness is also important with the help of certain types of activities student and lawyers can reach to the peoples and help to become a law abiding citizens.

Suggestions

1) In India the legal education is regulated by bar Council of India, the State Bar Council of India, the State Bar Council, central and State government, the University Grand commission and the Universities. The finance is provided by the Government and BCI only gives guidelines for development of curriculum of legal education. It will be possible to improve the standard of legal education in India if there is proper co-operation and co-ordination amongst these Regulatory Authorities.

- 2) The BCI is having limited role to play even under Advocate Act, 1961 for the development of legal education. Hence, some regulatory measures are needed for this issue.
- 3) There is need for training of the faculties in various global programs and issues.
- 4) There is need for seminars, workshop and various other programs for the students at the national level.
- 5) There is need for training programs of the faculties in various Universities and International level.
- 6) The reasonability of fee structure in the universities or institutions the government and college has to made for the benefit to the students. The curriculum has to include subject like International law and comparative Laws in depth. So that aspirants can achieve global legal knowledge.
- 7) There must be encouragement for private funding from various organizations.

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